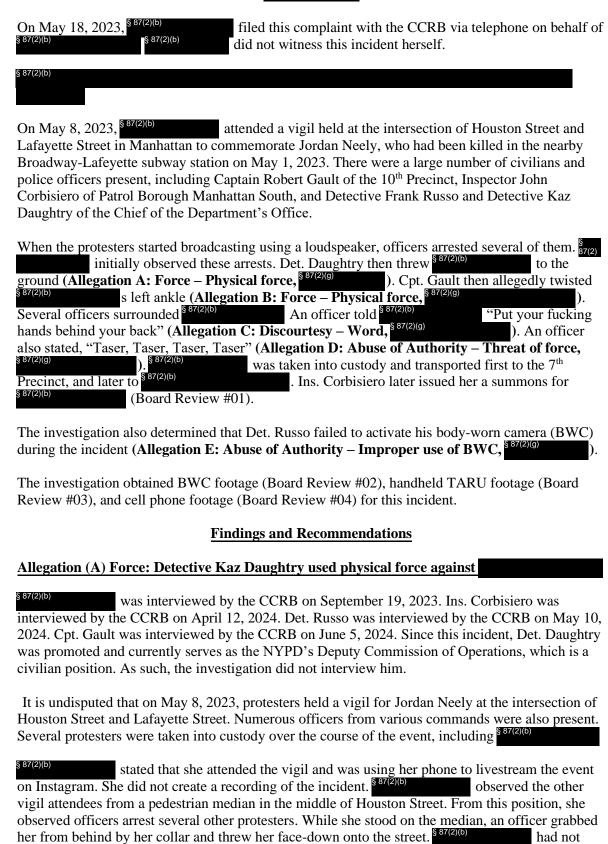
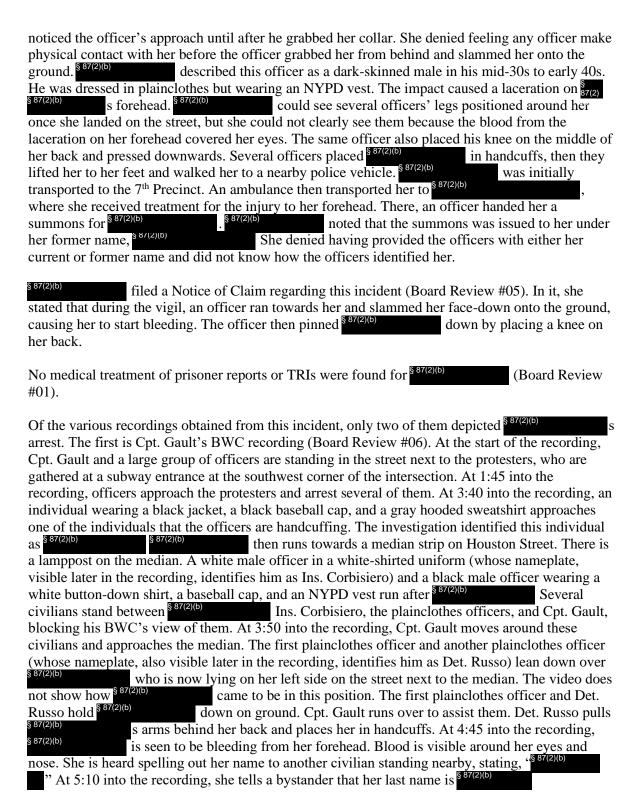
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	Ī	Force	<b>V</b>	Discourt.	□ U.S.	
Owen Godshall		Squad #15	202305077		Abuse		O.L.	— □ Injur	y
		1						_	
Incident Date(s)		Location of Incident:			18 1	Mo. So	OL	Precinc	:t:
Monday, 05/08/2023 7:50 PM		In the vicinity of East Houston Street and Lafayette Street			11/8/2024		09		
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Tin	ne Reco	eived at CC	RB	
Mon, 05/15/2023 12:33 PM		CCRB	Phone		Mon, 05	/15/202	23 12:33 PI	М	
Complainant/Victim	Type	Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. An officer									
2. DTS Frank Russo	07549	966319	CD OFF						
3. DI Robert Gault	00000	921362	MTN PCT						
4. DT1 Kaz Daughtry	21864	940052	CD OFF						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. INSP John Corbisiero	00000	885437	PBMS						
Officer(s)	Allegatio	on			In	vestiga	ator Reco	nmendatio	n
A . DT1 Kaz Daughtry	Force: Detective Kaz Daughtry used physical force against \$87(2)(b)								
B . DI Robert Gault	Force: Captain Robert Gault used physical force against \$87(2)(b)								
C . An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)								
D . An officer	Abuse: An officer threatened \$87(2)(b) with the use of force.								
E . DTS Frank Russo	Abuse: Detective Frank Russo improperly used his bodyworn camera.								

## **Case Summary**



CCRB Case # 202305077



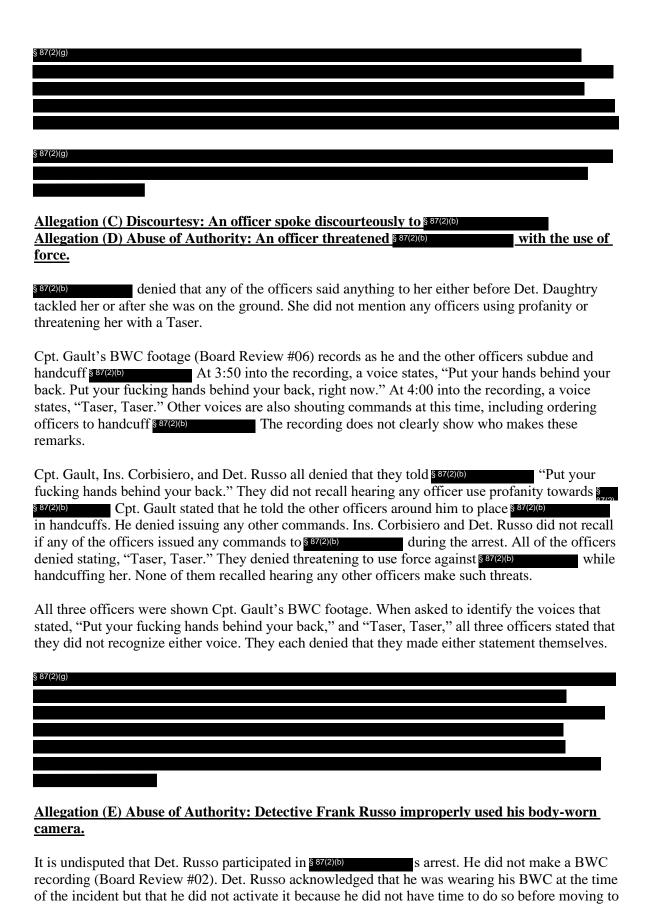
The investigation also obtained a brief clip of cell phone footage recorded by an unknown bystander (Board Review #04). The footage was posted to Twitter on February 29, 2024, with a caption stating, "This was Deputy Commissioner Kaz Daughtry @NYPDDaughtry at a Jordan Neely Vigil where he smashed a peaceful protestors face in to the pavement on May 8, 2023. He has not been held accountable." The footage is two seconds long. It shows the plainclothes officer,

wearing the baseball cap, grab § 87(2)(b) by her shoulders and throw her face-down to the street next to the median. Ins. Corbisiero and Det. Russo are seen standing a few feet away. Cpt. Gault, Ins. Corbisiero, and Det. Russo were all shown the portion of Cpt. Gault's BWC footage depicting the arrest. Cpt. Gault and Ins. Corbisiero stated that they did not recognize the plainclothes officer wearing the baseball cap. Det. Russo, however, identified him as Det. Daughtry. According to CTS, Det. Daughtry was assigned to the Chief of the Department's office along with Det. Russo at the time of this incident. § 87(2)(9) As the same officer whom Det. Russo identified as Det. Daughtry in the BWC footage is seen throwing to the ground in the cell phone video, the investigation identified Det. Daughtry as the subject officer. According to his official biography on the NYPD website, Det. Daughtry was promoted to Assistant Commissioner in July of 2023 and Deputy Commissioner in February of 2024 (Board Review #07). Both of these are civilian positions within the NYPD. As such, Det. Daughtry is no longer a member of the service and is no longer subject to the CCRB's jurisdiction. §87(2)(9) Allegation (B) Force: Captain Robert Gault used physical force against §87(2)(6) stated that after Det. Daughtry threw her to the ground, another officer, whom she described as a short male in his 30s with glasses who was wearing a white-shirted uniform, grabbed her left ankle and twisted it, causing pain in the ankle. Cpt. Gault stated that he first noticed § 87(2)(b) when Ins. Corbisiero and Det. Russo were struggling with her on the ground. He did not see how she came to be on the ground. Det. Russo was trying to bring her arms behind her back and place her in handcuffs. § 87(2)(b) kicking her legs out. Cpt. Gault ran over and grabbed hold of one of \$87(2)(b) s ankles to keep the leg still. He did not recall which ankle he held on to. He denied making any other contact besides holding her leg still. Cpt. Gault's BWC footage (Board Review #06) shows that at 3:50 into the recording, Cpt. Gault runs over to where Det. Daughtry and Det. Russo are holding § 87(2)(b) on the ground. Cpt. on her back. The three officers push §87(2)(b) Gault pushes § 87(2)(b) onto her front. moves her left leg into a kneeling position. At 4:00 into the recording, Cpt. Gault grabs and holds § 87(2)(b) s left ankle. § 87(2)(b) twists her leg and torso as Cpt. Gault holds her ankle still. Cpt. Gault is not shown twisting or moving \$87(2)(b) s arms behind her back and into an unnatural position. Det. Russo then pulls § 87(2)(6) handcuffs her. Numerous protesters surround the officers as they handcuff \$87(2)(b) several standing within a few feet of her and the officers.

NYPD Patrol Guide procedure 221-01 (Board Review #08) states that officers may use physical force when it is reasonable to place a person in custody. All uses of force must be reasonable under their particular circumstances. Factors to consider when determining when a particular use of force is reasonable include:

- The nature and severity of the circumstances.
- Actions taken by the subject.
- Whether the subject is actively resisting custody.
- The presence of a hostile crowd or agitators.

§ 87(2)(g)



CCRB CTS – Confidential Page 4

NYPD Patrol Guide procedure 212-123 (Board Review #09) states that officers are required to activate their BWC before engaging in any police action. "Police action" is defined as any law enforcement or investigative activity conducted in furtherance of official duties. Officers are expected to activate their BWC as soon as it is feasible and safe to do so after taking necessary action to preserve human health and safety when an unanticipated or exigent occurrence takes place. Officers are forbidden from indiscriminately recording political activities at protests and demonstrations. They are, however, still required to activate their BWCs during these events when any enforcement action is being taken.

§ 87(2)(g)	
3 67 (2)(g)	
A llogo	ntions Not Pleaded
Anega	§ 87(2)(b), § 87(2)(g)
•	30. (=)(0), 30. (=)(3)
	Civilian and Officer CCRB Histories
•	has been party to three other CCRB complaints (including two in which
	she provided her name as \$87(2)(b) and has been named as a victim in sixteen
	allegations (Board Review #10):
	○ § 87(2)(b)

- Det. Daughtry was a member of the service for 17 years and was a subject officer in 20 other CCRB complaints and 53 allegations, four of which were substantiated:
  - 200710793 involved substantiated allegations of gun pointed and threat of force.
    The Board recommended that he receive charges. The NYPD imposed a penalty of ten vacation days.

0	misleading official staten	stantiated allegations of inaccuratment. The Board recommended that nalty of 20 vacation days.	
0	§ 87(2)(g)		
		the service for 25 years and has be nine allegations, none of which v	vere substantiated.
		the service for five years and has ten allegations, none of which we	
		, Civil, and Criminal Histories	
	mplaint was not suitable f		1.
• § 87(2)(b)		Claim with the City of New Yorl imprisonment, malicious prosecu	
		d seeking unspecified damages (B	
	§§ 86(1)(3)&(4)] [§ 87(2)(c)]		
		RPBP History	
• This compl	aint did not contain any al	legations of Racial Profiling/Bias	-Based Policing.
Squad No.:	15		
<b>T</b>	0 0 11 11		00/02/2024
Investigator:	Owen Godshall	SI Owen Godshall	08/02/2024
	Signature	Print Title & Name	Date
Squad Leader:	Simon Wann Signature	IM Simon Wang	08/02/24
	Signature	Print Title & Name	Date
Reviewer:			_
	Signature	Print Title & Name	Date